



February 16, 2009

To Members of the Environment Committee:

*Re. Section 1 SB-871*

My name is Dave Smith, and I'm the General Manager at WeRecycle! Inc. located at 500 South Broad Street, Meriden, CT. We are an electronics recycler and large quantity handler of universal waste. This small company has been in operation since 2003, and has created over forty (40) jobs in the state of Connecticut. These are forty "green" jobs that directly support the state and federal environmental purpose of ensuring environmentally responsible and sustainable management of solid waste.

**I am writing to express our company's objection to section 1 of SB-871. An Act Increasing the Enforcement Authority of The Department of Environmental Protection.**

The current economic downturn began to impact us about a year ago. The sharp fall in the commodities market, on which our business model is built, has been devastating. The ongoing challenge to obtain financing for capital and operational needs, exacerbates our situation even further. Despite the many economic and business challenges, WeRecycle! has not wavered from its commitment to comply with very complex environmental regulations.

I have managed environmental compliance for two large corporations in Connecticut for over twenty years. I have also had firsthand experience where the Department of Environmental Protection (DEP) have acted in what I consider a "heavy-handed" manner toward a business that sincerely tried to comply, but simply did not have adequate technical understanding of the regulations. This scenario differs greatly from the company large or small that tacitly or willfully fails to comply or behave responsibly. It is also my experience that some individuals conducting the field inspections are often not the most knowledgeable within DEP when it comes to the regulations they are inspecting against.

This lack of clear understanding is directly related to the massive amount of unofficial guidance or interpretation documents with very subjective application that are being utilized by the DEP. Once the notices of violations are issued, the burden falls to the company to defend the charges often at significant legal and resource cost. The magnitude of the proposed "on-the-spot" penalty assessment is equivalent to the quarterly payroll for many small businesses. Having to pay or defend such a fine would be the death sentence for these Connecticut companies. Such wanton enforcement as proposed in section 1 of Sb-871 is irresponsible and should be rejected.

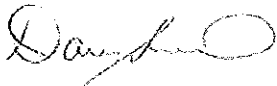
There is no room for generalization or a "one-size-fits-all" approach to environmental compliance enforcement which is what this proposed bill amounts to. Our State is better served when the DEP focuses enforcement resources on the willful violators, and provide technical and regulatory support for the businesses willing and committed to comply but are struggling financially and economically.

It is my opinion that the DEP would achieve greater compliance by helping businesses understand complex regulations by dedicating the resources currently being used on these frivolous enforcement actions to providing compliance assistance similar to that provided by Connecticut Technical Assistance Program (CONTAP) of the 1990's. As a young environmental engineer starting out in the field, I found this to be an invaluable resource.

Please urge DEP to focus its enforcement on the truly "bad actors" and on violations that directly impact the environment by rejecting SECTION 1 OF SB-871.

I thank the committee for considering my comments and for their tireless effort in crafting balanced legislation that protect the environment and is sensitive to the residents and businesses of the great state of Connecticut.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Smith", written in dark ink.

Dave Smith  
General Manager